

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**ROBERT T. BROCKMAN**

§  
§  
§  
§  
§

**Criminal No. 4:21-cr-00009**

**DECLARATION OF JAMES P. LOONAM**

I, James P. Loonam, declare as follows:

1. I am a member of the bar of the State of New York and various federal courts. On January 8, 2021, I was admitted *pro hac vice* to appear in the United States District Court for the Southern District of Texas. ECF No. 7. I am a partner of the law firm Jones Day and counsel for the defendant Robert T. Brockman. I make this Declaration in support of Defendant Robert T. Brockman's Reply in Support of his Motion for a Pretrial Conference Pursuant to the Classified Information Procedures Act.

2. Attached hereto as Exhibit A is a copy of the email from Corey J. Smith to Kathryn Keneally, copying Jason S. Varnado, Georgina N. Druce, and James P. Loonam, dated May 3, 2021, responding to the government's April 27, 2021 position on a Classified Information Procedures Act ("CIPA") Section 2 conference.

3. I participated in a meet-and-confer call on Friday, May 14, 2021 with the government. During the meet-and-confer call, I asked the government for its position on the Court's two questions from the status conference—(1) whether this case involves classified information and (2) whether the information is exculpatory. The government

confirmed that its position on the issue of a CIPA hearing is set forth in its May 11, 2021 response, Government's Resp. (ECF No. 61), and that it had nothing further to add.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Union County, New Jersey on May 18, 2021.

/s/ James P. Loonam

James P. Loonam

# **EXHIBIT A**

**From:** Smith, Corey (TAX) <[corey.smith@usdoj.gov](mailto:corey.smith@usdoj.gov)>  
**Date:** Monday, May 03, 2021, 11:07 AM  
**To:** Keneally, Kathy <[kkeneally@jonesday.com](mailto:kkeneally@jonesday.com)>, Langston, Lee F. (TAX) <[Lee.F.Langston@usdoj.gov](mailto:Lee.F.Langston@usdoj.gov)>, Magnani, Christopher (TAX) <[Christopher.Magnani@usdoj.gov](mailto:Christopher.Magnani@usdoj.gov)>  
**Cc:** Varnado, Jason S. <[jvarnado@jonesday.com](mailto:jvarnado@jonesday.com)>, Druce, Georgina N. <[gdruce@JonesDay.com](mailto:gdruce@JonesDay.com)>, Loonam, James P. <[jloonam@jonesday.com](mailto:jloonam@jonesday.com)>  
**Subject:** RE: U.S. v. Brockman 4:21cr009 GCH

**\*\* External mail \*\***

Kathy

Lee was premature in responding to your request in my absence. He is not "read into" these issues. Please see my earlier email.

Corey J. Smith  
Senior Litigation Counsel  
Tax Division  
(202) 514-5230

---

**From:** Keneally, Kathy <[kkeneally@jonesday.com](mailto:kkeneally@jonesday.com)>  
**Sent:** Tuesday, April 27, 2021 4:20 PM  
**To:** Langston, Lee F. (TAX) <[Lee.F.Langston@tax.USDOJ.gov](mailto:Lee.F.Langston@tax.USDOJ.gov)>; Smith, Corey (TAX) <[Corey.Smith@tax.USDOJ.gov](mailto:Corey.Smith@tax.USDOJ.gov)>; Magnani, Christopher (TAX) <[Christopher.Magnani@tax.USDOJ.gov](mailto:Christopher.Magnani@tax.USDOJ.gov)>  
**Cc:** Varnado, Jason S. <[jvarnado@jonesday.com](mailto:jvarnado@jonesday.com)>; Druce, Georgina N. <[gdruce@JonesDay.com](mailto:gdruce@JonesDay.com)>; Loonam, James P. <[jloonam@jonesday.com](mailto:jloonam@jonesday.com)>  
**Subject:** RE: U.S. v. Brockman 4:21cr009 GCH

Lee,

Thank you for the quick response.

Best,  
Kathy

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**From:** Langston, Lee F. (TAX) <[Lee.F.Langston@usdoj.gov](mailto:Lee.F.Langston@usdoj.gov)>  
**Sent:** Tuesday, April 27, 2021 4:04 PM  
**To:** Keneally, Kathy <[kkeneally@jonesday.com](mailto:kkeneally@jonesday.com)>; Smith, Corey (TAX) <[corey.smith@usdoj.gov](mailto:corey.smith@usdoj.gov)>; Magnani, Christopher (TAX) <[Christopher.Magnani@usdoj.gov](mailto:Christopher.Magnani@usdoj.gov)>  
**Cc:** Varnado, Jason S. <[jvarnado@jonesday.com](mailto:jvarnado@jonesday.com)>; Druce, Georgina N. <[gdruce@JonesDay.com](mailto:gdruce@JonesDay.com)>; Loonam, James P. <[jloonam@jonesday.com](mailto:jloonam@jonesday.com)>  
**Subject:** Re: U.S. v. Brockman 4:21cr009 GCH

**\*\* External mail \*\***

Kathy,

The government has no objection to scheduling the conference.

Thank you,

Lee Langston

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**From:** Keneally, Kathy <[kkeneally@jonesday.com](mailto:kkeneally@jonesday.com)>

**Date:** April 27, 2021 at 11:40:20 AM MDT

**To:** Smith, Corey (TAX) <[Corey.Smith@tax.USDOJ.gov](mailto:Corey.Smith@tax.USDOJ.gov)>, Langston, Lee F. (TAX)

<[Lee.F.Langston@tax.USDOJ.gov](mailto:Lee.F.Langston@tax.USDOJ.gov)>, Magnani, Christopher (TAX) <[Christopher.Magnani@tax.USDOJ.gov](mailto:Christopher.Magnani@tax.USDOJ.gov)>

**Cc:** Varnado, Jason S. <[jvarnado@jonesday.com](mailto:jvarnado@jonesday.com)>, Druce, Georgina N. <[gdruce@JonesDay.com](mailto:gdruce@JonesDay.com)>, Loonam, James P. <[jloonam@jonesday.com](mailto:jloonam@jonesday.com)>

**Subject:** U.S. v. Brockman 4:21cr009 GCH

Corey and team,

We are planning to file a motion requesting that the Court schedule a conference pursuant to CIPA § 2 to address the discovery schedule for any classified material involved in this case. Please let us know the government's position concerning this request. Thank you.

Best,  
Kathy

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**From:** Smith, Corey (TAX) <[corey.smith@usdoj.gov](mailto:corey.smith@usdoj.gov)>

**Sent:** Thursday, February 25, 2021 4:36 PM

**To:** Loonam, James P. <[jloonam@jonesday.com](mailto:jloonam@jonesday.com)>

**Cc:** Langston, Lee F. (TAX) <[Lee.F.Langston@usdoj.gov](mailto:Lee.F.Langston@usdoj.gov)>; Magnani, Christopher (TAX) <[Christopher.Magnani@usdoj.gov](mailto:Christopher.Magnani@usdoj.gov)>; Varnado, Jason S. <[jvarnado@jonesday.com](mailto:jvarnado@jonesday.com)>; Keneally, Kathy <[kkeneally@jonesday.com](mailto:kkeneally@jonesday.com)>; Romatowski, Peter J. <[piromatowski@JonesDay.com](mailto:piromatowski@JonesDay.com)>; Stephens, Neal J. <[nstephens@jonesday.com](mailto:nstephens@jonesday.com)>; Druce, Georgina N. <[gdruce@JonesDay.com](mailto:gdruce@JonesDay.com)>

**Subject:** RE: U.S. v. Brockman 4:21cr009 GCH

**\*\* External mail \*\***

James

In response to your letter, please be advised that the prosecution team is handling discovery matters in this case and to the extent that any material is discoverable it will be provided in accordance with applicable Department of Justice policy and procedures.

Corey J. Smith  
Senior Litigation Counsel  
Tax Division  
(202) 514-5230

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**From:** Loonam, James P. <[jloonam@jonesday.com](mailto:jloonam@jonesday.com)>

**Sent:** Thursday, February 25, 2021 12:51 PM

**To:** Smith, Corey (TAX) <[Corey.Smith@tax.USDOJ.gov](mailto:Corey.Smith@tax.USDOJ.gov)>  
**Cc:** Langston, Lee F. (TAX) <[Lee.F.Langston@tax.USDOJ.gov](mailto:Lee.F.Langston@tax.USDOJ.gov)>; Magnani, Christopher (TAX) <[Christopher.Magnani@tax.USDOJ.gov](mailto:Christopher.Magnani@tax.USDOJ.gov)>; Varnado, Jason S. <[jvarnado@jonesday.com](mailto:jvarnado@jonesday.com)>; Keneally, Kathy <[kkeneally@jonesday.com](mailto:kkeneally@jonesday.com)>; Romatowski, Peter J. <[pjromatowski@JonesDay.com](mailto:pjromatowski@JonesDay.com)>; Stephens, Neal J. <[nstephens@jonesday.com](mailto:nstephens@jonesday.com)>; Druce, Georgina N. <[gdruce@JonesDay.com](mailto:gdruce@JonesDay.com)>  
**Subject:** RE: U.S. v. Brockman 4:21cr009 GCH

Dear Corey,  
I have attached a letter responding to your email below of February 10.  
Best,  
James

James P. Loonam  
Partner  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)  
250 Vesey Street  
New York, New York 10281-1047  
Office: +1.212.326.3808  
Cell: +1.929.275.2619  
Fax: +1.212.755.7306

---

**From:** Smith, Corey (TAX) <[corey.smith@usdoj.gov](mailto:corey.smith@usdoj.gov)>  
**Sent:** Wednesday, February 10, 2021 10:01 AM  
**To:** Loonam, James P. <[jloonam@jonesday.com](mailto:jloonam@jonesday.com)>  
**Cc:** Langston, Lee F. (TAX) <[Lee.F.Langston@usdoj.gov](mailto:Lee.F.Langston@usdoj.gov)>; Magnani, Christopher (TAX) <[Christopher.Magnani@usdoj.gov](mailto:Christopher.Magnani@usdoj.gov)>; Varnado, Jason S. <[jvarnado@jonesday.com](mailto:jvarnado@jonesday.com)>; Keneally, Kathy <[kkeneally@jonesday.com](mailto:kkeneally@jonesday.com)>; Romatowski, Peter J. <[pjromatowski@JonesDay.com](mailto:pjromatowski@JonesDay.com)>; Stephens, Neal J. <[nstephens@jonesday.com](mailto:nstephens@jonesday.com)>; Druce, Georgina N. <[gdruce@JonesDay.com](mailto:gdruce@JonesDay.com)>  
**Subject:** RE: U.S. v. Brockman 4:21cr009 GCH

**\*\* External mail \*\***

James

We are in receipt of your letter, and are aware of our Giglio obligations with regarding to Mr. Smith. We are working with NSD to take the appropriate actions. One note, however, some of the information in the article you attached to your letter is not accurate.

All the best,

Corey J. Smith  
Senior Litigation Counsel  
Tax Division  
(202) 514-5230

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**From:** Loonam, James P. <[jloonam@jonesday.com](mailto:jloonam@jonesday.com)>  
**Sent:** Tuesday, February 9, 2021 11:59 PM  
**To:** Smith, Corey (TAX) <[Corey.Smith@tax.USDOJ.gov](mailto:Corey.Smith@tax.USDOJ.gov)>  
**Cc:** Langston, Lee F. (TAX) <[Lee.F.Langston@tax.USDOJ.gov](mailto:Lee.F.Langston@tax.USDOJ.gov)>; Magnani, Christopher (TAX) <[Christopher.Magnani@tax.USDOJ.gov](mailto:Christopher.Magnani@tax.USDOJ.gov)>; Varnado, Jason S. <[jvarnado@jonesday.com](mailto:jvarnado@jonesday.com)>; Keneally, Kathy

<[kkeneally@jonesday.com](mailto:kkeneally@jonesday.com)>; Romatowski, Peter J. <[piromatowski@JonesDay.com](mailto:piromatowski@JonesDay.com)>; Stephens, Neal J. <[nstephens@jonesday.com](mailto:nstephens@jonesday.com)>; Druce, Georgina N. <[gdruce@JonesDay.com](mailto:gdruce@JonesDay.com)>

**Subject:** RE: U.S. v. Brockman 4:21cr009 GCH

Dear Corey,

Please see the attached letter and exhibits regarding issues raised by a recent article published by Bloomberg.

Best,  
James

James P. Loonam  
Partner  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)  
250 Vesey Street  
New York, New York 10281-1047  
Office: +1.212.326.3808  
Cell: +1.929.275.2619  
Fax: +1.212.755.7306

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